

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

January 11, 2016

No. 11-3440

NATIONAL LABOR RELATIONS BOARD,
Petitioner

1199 SEIU UNITED HEALTHCARE WORKERS EAST, N.J. REGION,
Intervenor

v.

NEW VISTA NURSING AND REHABILITATION,
Respondent

Nos. 12-1027 & 12-1936

NEW VISTA NURSING AND REHABILITATION, LLC,
Petitioner

v.

NATIONAL LABOR RELATIONS BOARD,
Respondent

1199 SEIU UNITED HEALTHCARE WORKERS EAST, N.J. REGION,
Intervenor

(NLRB: 22-CA-29988)

Present: SMITH, GREENAWAY, Jr. and VAN ANTWERPEN, Circuit Judges

1. Motion by Respondent/Cross Petitioner New Vista Nursing and Rehabilitation to Supplement the Record/Appendix and for Limited Briefing Schedule on Issues Raised as a Result of Remand;

2. Response by Petitioner/Cross Respondent to Motion by New Vista Nursing and Rehabilitation to Supplement the Record/Appendix and for Limited Briefing Schedule on Issues Raised as a Result of Remand.

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Respectfully,
Clerk/pdb

ORDER

Upon consideration of New Vista's motion to supplement the record/appendix and for limited briefing on issues raised as a result of the remand, and mindful that it is not clear whether the NLRB by its Status Report filed January 6, 2016, was "filing . . . the record" with this Court, thereby divesting itself of jurisdiction over the matter and making this Court's jurisdiction exclusive, *see* 29 U.S.C. § 160(e), it is hereby ORDERED that the motion is granted as follows:

1. The NLRB, on or before January 29, 2016, shall certify and supplement the record to include the proceedings on remand.
2. New Vista shall file a supplemental brief and appendix, if needed, on or before February 22, 2016. The supplemental brief shall be limited to no more than 10 pages.
3. The NLRB shall file a responsive brief on or before March 23, 2016. The responsive brief shall be limited to no more than 10 pages.
4. New Vista may file a reply brief on or before April 7, 2016. The reply brief, if any, shall be limited to no more than 5 pages.
5. No extensions to this briefing schedule shall be granted.
7. The parties are advised that in the event the panel determines that oral argument is warranted, it shall be conducted on Tuesday May 31, 2016 at 1:30 P.M. The parties may not request that this date be changed.

By the Court,

s/D. Brooks Smith
Circuit Judge

Dated: January 21, 2016
PDB/cc: All Counsel of Record